

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PORTVILLE TRUCK & AUTO REPAIR, INC.,

Plaintiff,

v.

ORDER
11-CV-1033A

JOSEPH KOENIG d/b/a Wagon Wheel,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On July 27, 2012, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that a default judgment be entered in favor of plaintiff against the defendant pursuant to Rule 37(b)(vi) of the Federal Rules of Civil Procedure.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, the Clerk of Court is directed to enter a default judgment in favor of plaintiff against defendant and take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: June 19, 2013